

# PaulHastings

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April 29, 2010

70073.00009

VIA FACSIMILE AND U.S. MAIL

Ken Landau  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

Re: Proposed Technical and Monitoring Report Order for Central, Cherry Hill,  
Empire, Manzanita, and West End Mines, Colusa County

Dear Mr. Landau:

The following comments on the Proposed Technical and Monitoring Report Order under Water Code section 13267 for the Central, Cherry Hill, Empire, Manzanita, and West End Mines in Colusa County ("Proposed 13267 Order") prepared by the Central Valley Regional Water Quality Control Board ("Regional Board") are submitted on behalf of Magma Power Company ("Magma").

The Proposed 13267 Order represents changes to a Proposed Cleanup and Abatement Order (Proposed CAO) previously released by the Regional Board. We understand the changes have been recommended by the Regional Board panel that conducted the October 7, 2009 evidentiary hearing on the Proposed CAO. Pursuant to the notice of public hearing on the Proposed 13267 Order, Magma's comments are limited to changes to the Proposed CAO.

1. Magma has been removed from the list of Dischargers to whom the Proposed CAO was issued, and is not named as a Discharger in the Proposed 13267 Order. Magma supports this change.
2. A new "Investigation of Additional Responsible Parties" section has been added to the Proposed 13267 Order. The first paragraph of this new section states: "Dr. Miller testified at the hearing that Magma Power Company, Cordero Mining Company, and/or Sunoco Energy Development Company conducted activities at the site that did or could have caused soil disturbance leading to off-site migration of mercury-laden sediments." The transcript of the October 7, 2009 hearing, however, shows that Dr. Miller did not mention or otherwise refer to Magma in his testimony. Therefore, Magma requests that

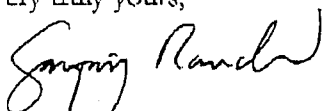
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Ken Landau  
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mention or otherwise refer to Magma in his testimony. Therefore, Magma requests that the reference to Magma in the first paragraph of the new "Investigation of Additional Responsible Parties" section be deleted.

Thank you for the opportunity to submit comments on the Proposed Order. Please do not hesitate to contact me with any questions.

Very truly yours,



Sanjay Ranchod  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: Lori T. Okun  
Patrick Pulupa  
Peter H. Weiner

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<b>client name:</b>	Magma	<b>client matter number:</b>	70073.00009
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<b>date:</b>	April 28, 2010	<b>pages (with cover):</b>	3
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**comments:**

Please see attached correspondence on behalf of Magma Power Company.

**If you do not receive all pages, please call immediately Facsimile Center: (415) 856-7405**

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